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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,680	10/18/2005	Hans Bebber	23185	9272
535	7590	08/08/2006	EXAMINER	
THE FIRM OF KARL F ROSS 5676 RIVERDALE AVENUE PO BOX 900 RIVERDALE (BRONX), NY 10471-0900			LIN, KUANG Y	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/526,680

Applicant(s)

BEBBER ET AL.

Examiner

Kuang Y. Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The drawing is objected to in that the claimed features of "controlled by feedback" (claim 2) and "spacing sensors" (claim 6) are not shown. Correction is required. Rule 1.83.
2. Applicant is request to provide in the specification heading, such as "BACKGROUND OF THE INVENTION", "SUMMARY OF THE INVENTION", "BRIEF DESCRIPTION OF THE DRAWINGS", "DETAILED DESCRIPTION OF THE DRAWINGS", etc. to render the specification in a better format.
3. The specification is objected to in that in page 1, line 9, page 3, line 25, respectively, it includes a bracket, rather than a parentheses, for words. The provision of bracket for a word(s) is means to delete the same. Correction is required.
4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims are written in a narrative format rather than an objective format and thereby they do not positively and directly include all the process steps or elements which are referred thereto. Further, in claim 1, line 2, claim 3, line 3, claim 4, line 4, claim 6, line 2, respectively, the claim language of "especially" and "preferably" is considered to be indefinite since it is not clear what scope is claimed. In claim 4, line 2, "claim 1" is misspelled.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-8 insofar as definite are rejected under 35 U.S.C. 103(a) as being unpatentable over either US 4,926,925 to Takahashi et al. or JP 60-49,839 and further in view of US 6,153,082 to DeBord et al.

Each of the primary references substantially shows the invention as claimed except that they use a tundish instead of a furnace for holding the molten metal. However, DeBord et al. show that it is conventional to either use a furnace or a tundish for holding and dispensing molten metal into a twin belt caster. It would have been obvious to use either a furnace or a tundish for holding and dispensing the molten metal in the process of the primary references in view of the conventionality. With respect to claims 2, 3 and 6, since the relative position of the nozzle and the caster is critical in dispensing the molten metal into the molding space, it would have been obvious to further provide the caster of the primary references with a position regulating means to facilitate the casting

process. Further, the provision of adjustability, where needed, is not a patentable advance. *In re Stevens*, 101 USPQ 284. Furthermore, it is well settled that it is not "invention" to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. *In re Venner*, 120 USPQ 192.

8. Claims 1, 2, 4-6 and 8 insofar as definite are rejected under 35 U.S.C. 103(a) as being unpatentable over US 3,903,953 to Richardson and further in view of US 6,153,082 to DeBord et al.

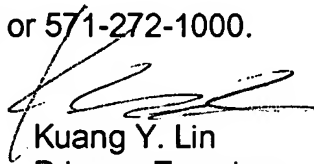
Richardson substantially shows the invention as claimed except that he uses a tundish instead of a furnace for holding the molten metal. However, DeBord et al. show that it is conventional to either use a furnace or a tundish for holding and dispensing molten metal into a twin belt caster. It would have been obvious to use either a furnace or a tundish for holding and dispensing the molten metal in the process of the primary references in view of the conventionality. With respect to claims 2 and 6, since the relative position of the nozzle and the caster is critical in dispensing the molten metal into the molding space, it would have been obvious to further provide the caster of the primary references with a position regulating means to facilitate the casting process. Further, the provision of adjustability, where needed, is not a patentable advance. *In re Stevens*, 101 USPQ 284. Further, it is well settled that it is not "invention" to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. *In re Venner*, 120 USPQ 192.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 571-272-1179. The examiner can normally be reached on Monday-Friday, 10:00-6:30,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Kuang Y. Lin  
Primary Examiner  
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8-4-06